IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 4201 of 2007(A)

PETITIONER:

SHYLAJA S.,
PART-TIME SWEEPER, OFFICE OF THE CHILD DEVELOPMENT PROJECT OFFICER, DEPARTMENT OF SOCIAL WELFARE, SASTHAMCOTTA, KOLLAM.

BY ADV. SRI.ASOK M.CHERIAN

RESPONDENTS:
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1. THE DIRECTOR OF SOCIAL WELFARE, THIRUVANANTHAPURAM.

2. THE CHILD DEVELOPMENT PROJECT OFFICER, SASTHAMCOTTA, KOLLAM.

3. PRINCIPAL SECRETARY TO GOVERNMENT OF KERALA, REVENUE (TP) DEPARTMENT,THIRUVANANTHAPURAM

4. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.4201/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: A TRUE COPY OF THE G.O(P) NO.501/05/FIN.DATED 25.11.2005

EXT.P2: A TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT DATED 7.3.2006.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 4201 OF 2007
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Dated this the 16th day of August, 2007

J U D G M E N T

Petitioner is a Part Time Sweeper working in the office of the 2nd respondent. She is aggrieved by Ext.P2 order issued by the 2nd respondent proposing to recover the arrears that was paid to her for the period from March 2005 to January 2006.

2. On going through Ext.P2, it is seen that the recovery is initiated based on a direction issued by the first respondent. It is a complaint of the petitioner that neither the direction of the first respondent nor the reasons which made the first respondent issue such a direction, have been communicated to the petitioner and that she has not been even issued a notice before ordering recovery against her.

3. Her complaint is quite genuine and the action of

respondents 1 and 2 is in total violation of the principles of natural justice. Therefore Ext.P2 deserves to be quashed and I do so. 2nd respondent may, if so advised, issue notice to the petitioner conveying the reasons for recovery, if any to be effected from her and after giving her an opportunity to represent against the same, pass suitable order in the matter.

4. Yet another complaint raised by the petitioner is that since the issuance of Ext.P2 in March 2006, although she is continuing to work in the office of the 2nd respondent, she has not been paid wages till date. Now that Ext.P2 has been quashed and taking into account the fact that the petitioner continues to work, I direct the 2nd respondent to pay wages to the petitioner at the rate as applicable to her. The wages that are due to the petitioner shall be paid within

two weeks from the date of receipt of a copy of this judgment.

5. Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

With the above directions, writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp